

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NORTH DAKOTA

In Re:

Bankruptcy No. 24-30010  
Chapter 11 – Subchapter V

Red River Subs, Inc.,  
dba Erbert and Gerbert's – Fargo,  
dba Erbert and Gerbert's – Bismarck,  
dba Erbert and Gerbert's – Moorhead,

Debtor.

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**ORDER GRANTING INTERIM RELIEF ON MOTION FOR LEAVE TO PAY  
CLAIMS OF CRITICAL VENDORS**

Debtor Red River Subs, Inc. filed a Motion for Leave to Pay Claims of Critical Vendors. Doc. 9. In its motion, Debtor seeks Court authority to pay the prepetition claims of wholesale food and beverage vendors consistent with Debtor's normal practices. On January 19, 2024, the Court held a preliminary hearing on the motion. None of the interested parties who appeared at the hearing objected to the relief requested.

For the reasons stated on the record and based on the motion and evidence received at the hearing, the Court finds cause for granting interim relief. Specifically, the Court finds that paying the vendor claims listed below are necessary to protect and preserve the estate, critical to the continued operation of Debtor's businesses, and in the best interest of Debtor's estate, its creditors, and other parties in interest. The evidence suggests that disfavored creditors would be as well off with reorganization as with liquidation, and Debtor's principal, Todd Beedy, testified that he believed these vendors would likely cease doing business with Debtor if not paid in a timely manner.

The Court also finds that paying these prepetition vendor claims is necessary to avoid immediate and irreparable harm.

Therefore,

**IT IS ORDERED** that Debtor's Motion for Leave to Pay Claims of Critical Vendors is granted on an interim basis.

Upon entry of this Order, Debtors are authorized to pay the following prepetition claims:

Sysco	\$31,153.81
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Coca Cola	\$7,689.56
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The final hearing on this matter will be held on February 9, 2024, at 10:00 a.m.

The deadline to object to final relief is February 6, 2024.

Dated: January 19, 2024.



SHON HASTINGS, JUDGE  
UNITED STATES BANKRUPTCY COURT